

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

Idalia Valcarcel, individually and on behalf of  
all others similarly situated,

Plaintiff,

vs.

Ahold U.S.A., Inc.,

Defendant.

1:21-cv-07821-JSR

**ORAL ARGUMENT SCHEDULED FOR  
12/20/2021 AT 3:00PM**

**NOTICE OF MOTION TO DISMISS COMPLAINT**

PLEASE TAKE NOTICE that Defendant Ahold U.S.A., Inc., by its attorneys Faegre Drinker Biddle & Reath LLP, hereby moves the Court for an order dismissing with prejudice the Complaint filed by Plaintiff Idalia Valcarcel. This motion is made under Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6) on the grounds that Plaintiff lacks standing to seek injunctive relief and the Complaint fails to state a claim upon which relief can be granted.

Pursuant to the Court's Individual Rule of Practice 2(d), Defendant sets forth the schedule for filing and service of the parties' papers and for oral argument, as reflected in the Civil Case Management Plan (Dkt. 9) and approved by the Court at the October 28, 2021 conference, as follows:

<b>Event</b>	<b>Deadline</b>
Defendant's Motion to Dismiss	11/11/2021
Plaintiff's Opposition	11/29/2021
Defendant's Reply	12/6/2021
Oral Argument	12/20/2021 at 3:00pm

Dated: November 11, 2021

s/ Sarah L. Brew

FAEGRE DRINKER BIDDLE & REATH LLP

Sarah L. Brew (admitted *pro hac*)

Tyler A. Young (*pro hac vice* application  
forthcoming)

Rory F. Collins (NY Bar No. 5549670)

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